(a) whether the Government of Maharashtra have since submitted revised project reports to Government for implementation under the Tenth Five Year Plan; and

(b) if so, what action Government have taken thereon?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA): (a) This Ministry has not received the revised detailed project reports for the towns of Pandharpur, Prakasha and Paithan from the Government of Maharashtra.

(b) Does not arise.

Poshir Dam Project

470. SHRIMATI MOHSINA KIDWAI:
SHRI VIJAY J. DARDA:

Will the Minister of ENVIRONMENT AND FORESTS be pleased to refer to answer to Unstarred Question 1232 given in the Rajya Sabha on the 3rd March, 2006 and state:

(a) whether the State Government of Maharashtra have since furnished the details pertaining to flora and fauna in connection with Maharashtra Water Supply and Sewerage Project State-II (Poshir Dam Project); and

(b) if so, the details thereof?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA): (a) and (b) No proposal for diversion of forest land under the Forest (Conservation) Act, 1980 for Poshir Dam Project has been received by the Ministry of Environment and Forests so far. As far as grant of Environment Clearance is concerned, the required Environment Impact Assessment report of the project has not been received from the project authority.

Recognition of Forest Rights Bill, 2005

471. DR. VIJAY MALLYA: Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether National Forests Commission has expressed reservations on the provisions of the "Recognition of Forest Rights Bill, 2005";

(b) if so, the details of thereof; and

(c) how the reservations expressed by the Commission are proposed to be met with?

THE MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA): (a) and (b) Yes, Sir. Under recommendation no. 340-345 of the National Forest Commission Report, the Commission has opined that the proposed "The Scheduled Tribes (Recognition of Forest Rights) Bill, 2005" would be harmful to the interest of the forests and the ecological security of the country. The text of the recommendations is given in Statement (*See* below).

(c) The said Bill is being considered by a Group of Ministers who shall take into account all the pros and cons of various issues involved in this regard.

Statement

National Forest Commission—Recommendations(340-345)

"[340] The National Forest Commission is of the considered opinion that the proposed Scheduled Tribes (Recognition of Forest Rights) Act would be harmful to the interests of forests and to the ecological security of the country. It would be bad in law and would be in open conflict with the rulings of the Supreme Court. Another legislation, therefore, needs to be framed providing the forest dwelling communities a right to a share from the forest produce on an ecologically sustainable basis and Ministry of Environment and Forests could be asked to do the needful, after taking into account the inputs of the State Governments as recommended by the Sarkaria Commission as a subject under the concurrent list.

[341] Forest encroachments to the extent of 3.60 lakh per annum have already been regularized. If any State feels that any encorachments done prior to 25-10-1980 still remains unsettled, the concerned State Governments could appoint commisions, perhaps headed by judges, to finalize the claims within a timeframe. Settlement of such claims and disputes arising thereform should be done by quasi-judicial bodies and not left to the discretion of Gram Sabhas.

[342] The Bill implies that tribals would be permitted to exploit forests for commercial purposes and not only for *bona fide* livelihood purposes as was originally intended, with only the concerned Gram Sabha empowered to decide as to what exploitation would be unsustainable. The extent and nature of forest exploitation on an ecologically sustainable basis must be decided by forest managers in consultation with the local communities, who would have first charge over any forest produce extracted, to meet their *bona fide* livelihood requirements, and an economic share of any surplus produce that may be disposed off thereafter.

[343] The proposed legislation should not apply to national parks and sancturaries, which are the last havens of hope for the nation's forests, wildlife, wilderness and biodiversity. The villagers that remain within them have their pattas and rights and encroachments within them must not be condoned. Many communities themselves wish to resettle outside of such protected areas and this must be facilitated and alternative forestland provided. The politically motivated and ecologically suicidal proposal of providing temporary rights in these protected areas for a period of five years and then if they are not relocated in that period the rights to become permanent, is a mere facade, and considering the past record and political motivations will never be achieved and the grant of such rights will irrevocably impair the ecological viability of protected areas.

[344] The clause that no encroacher should be evicted from forestland under his occupation till the recognition and verification of his claims are completed, with no time limit for such a process, is again self-defeating and will give an impetus and license to more encroachments in forests and to corruption. Such a provision must not apply, at least to national parks and sanctuaries, if not to all forests.

[345] There is an ambiguity in the Bill about the applicability of laws. If the laws of the land pertaining to forests and wildlife are to apply to all tribals and non-tribals, this must be clearly stated and the current confusion about duality in the application of law to tribals and non-tribals, be done away with."